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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,491	06/27/2003	Clifford Hannel	I004-P03073US	8644
33356 7590 08/28/2007 SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			EXAMINER BATES, KEVIN T	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,491

Applicant(s)

HANNEL ET AL.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-6-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to a communication made on August 6, 2007.

The Information Disclosure Statement received August 6, 2007 has been considered.

Claims 1-27 have been withdrawn has non-elected claims

Claims 28-44 are pending in this application.

Response to Restriction

Applicant's election with traverse of the restriction requirement in the reply filed on August 6, 2007 is acknowledged. The traversal is on the ground(s) that the inventions are complementary and should be examined together. This is not found persuasive because while the differing inventions may be pieces of the same system, the divergence of the material would make it a burden on the office to search and determine allowability of both inventions would be significant.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollis (6804777).

Regarding claims 28 and 32, Hollis teaches a system comprising:

a first computing device coupled to a first network (Figure 2, element 270, the user workstation);

a second computing device having a network device included therein, the network device coupled to a second network, the second computing device coupled to the first network (Figure 3B, element 330 and 360, where the channel gateway is the second device, the first network is coming from the user workstation and the second network is the connection going towards the external resource), the second computing device including software which when executed causes the second computing device to perform operations comprising:

accepting a connection request from the first computing device over a communication channel (Column 7, lines 8 – 24);

forwarding to the first computing device via the communication channel incoming data units received by the network device (Column 8, lines 55 – 67),

receiving from the first computing device via the communication channel outgoing data unit requests to send outgoing data units onto the second network via the network device (Column 8, lines 37 – 46).

Regarding claim 29, Hollis teaches the system of claim 28 wherein the communication channel is a tunnel (Column 9, lines 1 – 8).

Regarding claim 30, Hollis teaches the system of claim 29 wherein the first computing device includes a first tunnel device and the second computing device includes a second tunnel device, the tunnel established between the first tunnel device and the second tunnel device (Column 9, lines 1 – 8).

Regarding claim 33, Hollis teaches the system of claim 32 wherein the first computing device includes a first communication device and the second computing device includes a second communication device, the communication channel established between the first communication device and the second communication device (Column 7, lines 8 – 24).

Regarding claims 31 and 34, Hollis teaches the system of claims 30 and 33 wherein the first tunnel device and the second tunnel device are each network interface devices (Figure 3 and Figure 3B, where a user workstation and a channel gateway are interfacing with the network).

Regarding claims 36, 39, and 42, Hollis teaches a method for allowing a computing device to access the capabilities of a network device via a virtual interface comprising:

establishing over a first network a communication channel with the computing device (Column 7, lines 8 – 24);

associating a network interface of the network device with the communication channel (Column 9, lines 22 – 31, where all messages are verified to determine if they are correctly associated with the VPN);

receiving over a second network incoming data units directed to the network interface of the network device (Column 8, lines 55 – 67);

forwarding the incoming data units to the computing device via the communication channel (Column 8, lines 37 – 46).

Regarding claims 37, 40, and 43, Hollis teaches the method of claims 36, 39, and 42 further comprising: receiving via the communication channel outgoing data unit requests from the computing device, the outgoing data unit requests including an identifier of a specified network interface (Column 10, lines 17 – 31); transmitting outgoing data units pursuant to the outgoing data unit requests onto the second network via the specified network interface (Column 8, lines 55 – 67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis in view of Summers (7124189).

Regarding claims 38, 41, and 44, Hollis teaches the method of claims 36, 39, and 42.

Hollis does not explicitly indicate that the establishing the communication channel includes using a transmission control protocol (TCP) socket to create a tunnel.

Summers teaches a system for setting up a VPN that includes using a transmission control protocol (TCP) socket to create a tunnel (Column 4, lines 1 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Summer's teaching of implementing the VPN in TCP using sockets in order to provide the VPN in Hollis' system to be provided in TCP networks.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollis in view of Gilbrech (6173399).

Regarding claim 35, Hollis teaches the system of claim 32.

Hollis does not explicitly indicate that the first network is an Ethernet network.

Gilbrech teaches the system of providing a gateway for implementing a VPN that includes a Ethernet connection as one of the networks (Column 5, line 60 – Column 6, line12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gilbrech's teaching of having an Ethernet/LAN connection as part of the VPN network in order to allow the VPN to travel through both LANs and WANs in Hollis' system.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6557037 issued to Provino, because it teaches a virtual network with a gateway and tunnels.

U. S. Patent No. 6519254 issued to Chuah, because it teaches establishing tunnel connections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kevin Bates

August 24, 2007